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97TH CONGRESS, 2d Session } SENATE { REPORT No. 97-626

ETED ORIGINAL

GEORGE HERBERT WESTON

SEPTEMBER 29 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

Y1.1/6:97-626

[To accompany H.R. 1481]

The Committee on the Judiciary, to which was referred the bill (H.R. 1481) for the relief of George Herbert Weston, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to George Herbert Weston. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

STATEMENT OF FACTS

The beneficiary of the bill is a 71-year-old native and citizen of Great Britain who entered the United States with his 55-year-old wife as visitors September 29, 1978. He is a retired consultant in the footwear industry where he has worked both in England and in the United States. He underwent a total laryngectomy for cancer of the larynx December 11, 1978 and has received an electronic voice box for use in communication. On May 1, 1979 he underwent retinal reattachment surgery. He is currently suffering from pain caused by psoriasis and arthritis. The Public Health Service has indicated he is not able to travel at this time, and he is undergoing continued medical treatment. Mr. and Mrs. Weston have substantial retirement benefits and assets, including $2,500 a month from previous employment benefits, $455 from Social Security because of his contributions to that program for

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24 calendar periods, $86,000 in savings, an automobile, and about $75,000 in personal possessions. They have no immediate relatives in the United States.

Mrs. Weston's name was deleted from the bill, thus limiting the extraordinary relief to the principal applicant only.

The pertinent facts in this case are contained in a letter dated August 29, 1980 on a bill pending in the Ninety-Sixth Congress from the executive assistant to the Commissioner of the Immigration and Naturalization Service to the Chairman of the Committee on the Judiciary regarding this bill. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., August 29, 1980.

A22-719-551.
A22-719-752.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 6079) for the relief of George Herbert Weston and Mabel Gregson Weston, there is attached a memorandum of information concerning the beneficiaries.

The bill would grant the beneficiaries permanent residence in the United States as of the date of its enactment upon payment of the required visa fee. It would also direct that an appropriate visa number deduction be made.

The beneficiaries, natives of the United Kingdom, are chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants.

Sincerely,

CORNELIUS J. LEARY,
Executive Assistant
(For the Commissioner).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE H.R. 6079

The beneficiaries, George Herbert Weston and his wife, Mabel Gregson Weston, are natives and citizens of England. Mr. Weston was born September 19, 1910, in Birkenhead, England. His wife was born October 15, 1926, in Leicester, England. Mr. Weston is a graduate of Manchester University, Manchester, England, and is a retired consultant to the shoe industry. He was most recently employed as a consultant to the Institute of Public Administration, United States Department of Commerce, Washington, D.C., under a federally

funded program. Mrs. Weston is a high school graduate and is not employed. Their assets consist of savings in the amount of $86,000, an automobile valued at $9,000, household effects in the amount of $50,000 and personal possessions valued at $25,000. Mr. and Mrs. Weston receive a monthly pension from England of $400, Social Security in the amount of $396 per month, and approximately $2,165 per month in royalties and residual benefits from Mr. Weston's prior employments.

Mr. and Mrs. Weston were married on March 15, 1963, in Birmingham, England. They have no children nor any immediate relatives in the United States. They entered the United States on September 29, 1978. Mr. Weston entered as a nonimmigrant visitor for business while his spouse was admitted as a visitor for pleasure. They were subsequently authorized to remain until March 29, 1980.

Mr. Weston has received extensive medical treatment while in the United States and that poor health has prompted his retirement. In addition to being treated for prolonged psoriasis, he has undergone an operation for retinal detachment of his right eye. He has also had a total laryngectomy for carcinoma of the larnyx (removal of the vocal cords) that has left him mute. The prognosis is good and the medical opinion is that Mr. Weston should receive continuity of medical care. According to a letter from his physician, any relocation or forced departure would be detrimental to Mr. Weston's health.

On July 23, 1980, deportation proceedings were instituted against the beneficiaries for having remained in the United States for a longer period of time than authorized

The following supplemental reports from the Immigration and Naturalization Service dated March 24, 1981 and July 18, 1981 were provided to the Committee:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., March 24, 1981.

A22-719-751.
A22-719-752.

Hon PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This refers to H.R. 1481 in behalf of George Herbert Weston and Mabel Gregson Weston, who were also the beneficiaries of H.R. 6079.

The beneficiaries continue to reside in Grand Rapids, Michigan where Mr. Weston is receiving postoperative medical attention after having his vocal cords removed. He recently received an electronic voice box and is working with a speech therapist in learning to use it.

The beneficiaries were found deportable from the United States on November 6, 1980, but were granted voluntary departure with the alternative of deportation.

There have been no other changes in the beneficiaries' situation.

Sincerely,

DAVID DIXON
(For the Commissioner).

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., July 16, 1981.

A22–719–751.
A22–719–752.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This refers to H.R. 1481 in behalf of George Herbert Weston and Mabel Gregson Weston, who were beneficiaries of H.R. 6079.

On April 14, 1981, Mr. Weston appeared before a United States public health doctor. It was the opinion of the examining physician that Mr. Weston is not able to travel without danger to his life, and that special care and attention would be needed should travel be required.

Mr. Weston is currently receiving social security benefits. The Detroit office for the United States Social Security Administration advised that he is eligible for benefits in that Mr. Weston has worked and made contributions to the Social Security Administration for at least twenty-four calendar periods. Presently Mr. Weston receives $455.80 per month from which $15.40 is deducted for medicare benefits.

Sincerely,

DAVID DIXON
(For the Commissioner).

On July 21, 1980, the Department of State submitted a report on an identical bill which reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., July 21, 1980.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives.

DEAR MR. CHAIRMAN: I refer to your request for a report concerning the case of George Herbert Weston and Mabel Gregson Weston, beneficiaries of H.R. 6079, 96th Congress.

The bill would grant the beneficiaries permanent residence in the United States as of the date of enactment upon payment of the required visa fee. It also provides for the deduction of one number from the total number of immigrants and conditional entrants who may be admitted from the beneficiaries' country of birth.

The United States Embassy at London, England, where the benficiaries were issued nonimmigrant visas, has reported that a search of the visa files has revealed no record in the case of the beneficiaries. It is assumed that the file was destroyed in accordance with record disposal regulations.

Sincerely,

J. BRIAN ATWOOD,
Assistant Secretary for Congressional Relations.

Mr. Sawyer, the author of the bill, submitted the following statement in support of his bill:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 19, 1981.

Hon. ROMANO MAZZOLI,
Chairman, Subcommittee on Immigration, Refugees, and International Law, Rayburn House Office Building, Washington, D.C.

DEAR RON: I'd like to thank you for allowing me to testify before your subcommittee recently, on behalf of private legislation which I introduced on behalf of the Weston's, H.R. 1481.

Since the bill was passed out of subcommittee favorably, I understand that you need a statement from me in support of the legislation. As I believe you know, the legislation seeks to confer permanent resident status on George and Mabel Weston. They were born in the United Kingdom, and entered this country when Mr. Weston was engaged by the U.S. Department of Commerce as a consultant. Since arriving in this country, Mr. Weston's health problems have deteriorated significantly, making it impossible for him to travel back to Britain. Mr. Weston is now 71 and Mrs. Weston is 55. They are very financially secure, and in fact, in the past 7 years they have voluntarily paid approximately $64.000 in personal federal income taxes.

As the subcommittee files document, Mr. Weston made a considerable contribution to this country in terms of his professional abilities. The Weston's have settled in my district, in Grand Rapids. It is my firm desire that the Weston's be accorded permanent resident status, so that they might live out their remaining lives without worry of deportation. As can be imagined, the uncertainty of their situation causes great concern for the Weston's. I believe we can only benefit from granting permanent resident status to these two individuals. I respectfully request that the full committee act favorably on H.R. 1481.

Yours very truly,

HAROLD S. SAWYER,
Member of Congress.

The Public Health Service provided the following report, dated April 14, 1981, at the request of the Committee:

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

MEDICAL CERTIFICATE

To be completely filled in and submitted to U.S. Immigration and Naturalization Service in every case examined or treated except for cases found O. K. on preliminary examination.

Port of _____

1. Name of alien George H. Weston
2. Date of arrival September 28, 1978 3. Steamship _____
4. Occupation None 5. Age _____ 6. Sex Male

Healing

CERTIFICATE

The above-named person has been examined and found afflicted with (a clear statement of conditions found to exist with "a dangerous contagious disease" added if indicated):

1. Leprosy
2. Arthritis
3. History of laryngectomy
4. Hypertension
5. Retinal detachment

These findings are based on (here state history, symptoms, physical signs or other data, laboratory, X-ray, etc.):

History
Physical examination
Report from family physician

This person at present* is receiving medical treatment for the above condition(s) No. (give No.) 1, 2, 4 in the form of (state type of therapy, medication, drugs, etc. person is receiving):

Halog cream
Tablets
Ointment

MEDICAL OPINION

It is our opinion:

1. That this person at present* is not able to travel without danger to life.
2. That this person* is not physically able to travel in nonpressurized aircraft flying at altitudes of 12,000 feet or below.
3. That special care and attention* will be required en route.
4. That the condition at present* is not in a communicable state, and that special precautions* will be required en route for the safety of others.
5. That this person, if a mental patient* N/A likely to commit assault.
6. That the above conditions No. (give No.)* 1, 2, 3, 4, 5 exist on (give date) 4/14/81.
7. That the above conditions No. (give No.)* 1, 2, 3, 4, 5 have been detected by competent medical examination on (give date)* JULY 1979.
8. That the above conditions No. (give No.)* 1, 2, 3, 4, 5 interfere with the ability of the person to earn a living as BUSINESSMAN (state laborer or other basic occupation) at present.
9. That the above conditions No. (give No.)* 1, 2, 3, 4, 5 be expected to progress and may affect the ability of the person to earn a living as above on (give approximate dates and state future time) NOW AND INDEFINITELY IN THE FUTURE.
10. That further medical treatment* is indicated at present on a HOSPITAL (hospital or out-patient) basis for an approximate period of INDEFINITE with the following type of continued medical care or drugs recommended:

FURTHER INVESTIGATIVE STUDIES

4/14/81 (Date) P.H.S. [illegible] M.D. (Surgeon, U.S. Public Health Service)

DETROIT, MICHIGAN 48215 Location: DETROIT, MICHIGAN

* Write in appropriate words "is" or "is not", "will" or "will not", "may" or "may not".

Form I-141
(Rev. 4-21-69)

GPO 873-817

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Mr. Sawyer provided the following additional information concerning Mr. Weston's career:

U.S. DEPARTMENT OF COMMERCE,
THE ASSISTANT SECRETARY FOR PRODUCTIVITY,
TECHNOLOGY, AND INNOVATION,
Washington, D.C., July 1, 1980.

MS. CONSTANCE J. GRZANKA,
Warner, Norcross & Judd,
Grand Rapids, Mich.

DEAR MS. GRZANKA: In November 1978, following my recommendation, Mr. George Weston was appointed as a consultant to the Institute of Public Administration for the purpose of providing technical advice relative to the Footwear Industry Program of the Department of Commerce. The work was performed under a grant from the Economic Development Administration to the Institute of Public Administration. The science and technology aspects of the Department of Commerce program fall within my area of responsibility and it was in discharging this responsibility that I recommended Mr. Weston.

Mr. Weston provided valuable technical assistance and service during the seven months of his appointment. In particular, his analysis on manufacturing processes and the information he contributed concerning the properties of materials used in footwear manufacture supported a substantial amount of the work under the grant.

Mr. Weston was highly recommended by members of the footwear industry who are leaders in technical and managerial areas. He has been a consultant to the footwear industry in the United States and Great Britain for over twenty-five years and has concentrated on technical matters as a result of his background in engineering. His knowledge of current industry technical developments and of past technical initiatives, both successful and unsuccessful, were important factors in selecting him as a consultant.

In addition, a high regard for Mr. Weston's technical ability, government and industry officials alike share a high regard for Mr. Weston on the basis of his personal characteristics. My recommendation on his behalf relative to attaining permanent residence status in the United States is made with great pleasure.

Sincerely,

FRANCIS W. WOLEK,
Deputy Assistant Secretary
for Productivity, Technology, and Innovation.

INSTITUTE OF PUBLIC ADMINISTRATION,
Washington, D.C., June 20, 1980.

CONSTANCE J. GRZANKA,
Attorney at Law, Warner, Norcross & Judd,
Grand Rapids, Mich.

DEAR MS. GRZANKA: It is with great pleasure that I respond to your request for a letter of recommendation on the behalf of Mr. George H. Weston to be used in support of his petition for permanent resident status in the United States. Mr. Weston was indeed retained as a consultant to the Institute of Public Administration in November 1978 for the purpose of providing technical advisory services under the terms of a grant awarded to IPA by the U.S. Department of Commerce in conjunction with its Footwear Revitalization Program. The

three year Program represented a major government commitment to assist the Footwear Industry in improving its competitive position and ameliorating the harsh socio-economic effects of foreign competition. On the basis of personal and professional dealings with Mr. Weston, I believe that the United States government should waste no time in granting permanent resident status to a public spirited citizen of such honorable character and excellent professional calibre.

Mr. Weston was highly recommended to the Institute and to the Department of Commerce by a number of prominent officials within the American footwear industry. He had spent more than 25 years of exceptional service within the industry, both in the U.S. and Great Britain, and was a highly respected consultant. An engineer by training, Mr. Weston had demonstrated great managerial skill over the years and was known throughout the footwear industry, here and abroad, as a man of integrity, skill, and perception. Further, he has invested the Standard Leather Measurement (SLM) technique for improving leather material usage in footwear manufacturers. He possessed precisely the qualities IPA required to perform services requested of it by the Department of Commerce.

Over a period of seven months, Mr. Weston provided the Institute and the Department of Commerce with invaluable technical information and managerial insight. He responded promptly and with great care to all requests for assistance. I must add that during this time, Mr. Weston was taken gravely ill, underwent extensive radical surgery, rehabilitation therapy, and was in great discomfort for a considerable period of time. Despite his condition, he continued with the able assistance of his wife, to provide lengthy and excellent reports to the Institute in response to technical questions raised during the course of the Department of Commerce's Footwear Program. His assistance to the Institute has been incorporated into reports IPA has submitted to the Department; further, his early direct contributions to Department planning efforts, through his association with IPA, resulted in improved Departmental program planning and enhanced results from the Footwear Industry Revitalization Program. Despite his ill health, he was able and determined to contribute to the best of his ability to U.S. government assistance efforts and to the improvement in competitive position of the domestic footwear industry.

Should you wish any further information or desire a personal interview concerning Mr. Weston's contributions to the Department of Commerce and the Institute of Public Administration, please do not hesitate to contact me.

Sincerely,

ELDON E. SWEEZY,
Program Manager.

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), Rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact, inasmuch as it affects just one individual.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.S. 1481) should be enacted.

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